

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2024 JAN 19 AM 9:54

CHARLES CHANDLER,)
Plaintiff,)
v.)
LONG FALLS PAPERBOARD LLC,)
Defendant.)

CLERK
BY SJ
DEPUTY CLERK

Case No. 2:23-cv-206

**ORDER ON FILING INJUNCTION
(Docs. 6, 12, 19, 21)**

Plaintiff Charles Chandler (“Mr. Chandler”) filed a complaint against Defendant Long Falls Paperboard, LLC (“Long Falls Paperboard”) in this Court on July 17, 2023 alleging retaliatory discharge. (Doc. 1). Defendant filed a motion to dismiss for failure to state a claim. (Doc. 6). In that motion, Long Falls Paperboard argued that Mr. Chandler’s claim is not justiciable because “[Mr. Chandler] has previously been enjoined from filing complaints in this Court without first receiving prior leave from the Court.” (Doc. 6 at 6, referencing *Chandler v. Suntag*, No. 1:11-CV-02, 2011 WL 2559878, at *9 (D. Vt. June 28, 2011).) Defendant repeated this argument in its motion to dismiss Mr. Chandler’s amended complaint. (Doc. 12 at 6.) Mr. Chandler did not address this argument in his response brief (Doc. 18), which Long Falls Paperboard pointed out in its reply brief (Doc. 19 at 3–4). Mr. Chandler filed a motion for leave to file a sur-reply. (Doc. 21.) In that motion, Mr. Chandler’s attorney argued that he interpreted the filing injunction as applying specifically to pro se lawsuits brought by Mr. Chandler in the District of Vermont. (*Id.* at 1.) In a text-only order, the court granted Mr. Chandler’s motion for leave to file a sur-reply. (Doc. 22.)

Although no sur-reply has been filed, the court finds that the filing injunction does not apply to the circumstances of this case. The filing injunction arose in the context of Mr. Chandler's repeated and abusive *pro se* filings. *See Chandler v. Suntag*, No. 1:11-CV-02, 2011 WL 2559878, at *9 (D. Vt. June 28, 2011). Here, Mr. Chandler is represented by an attorney admitted to practice in the District of Vermont. Unaware of the filing injunction which is now over ten years old, the court permitted plaintiff's counsel to file an amended complaint. (Doc. 13). The amended complaint is subject to a motion to dismiss raising substantive issues concerning the sufficiency of plaintiff's allegations that he brought his safety concerns to the attention of his employer. (Doc. 12). Mr. Chandler and his counsel are entitled to their day in court concerning the viability of his claim. So long as he is represented by an attorney, the filing injunction does not require him to seek leave of court to file a complaint.

Dated at Burlington, in the District of Vermont, this 19th day of January, 2024.



Geoffrey W. Crawford, Chief Judge
United States District Court